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EXAMINER	
KOLLIAS, ALEXANDER C	
ART UNIT	PAPER NUMBER
4145	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/524,008	CHRISTENSEN, IAN	
	Examiner	Art Unit	
	ALEXANDER C. KOLLIAS	4145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *20050506*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 18 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 6 and 7 of U.S. Patent No. 6,953,846 to Tzikas et al in view of Clement et al (WO 2002/059215, see English language equivalent, US 7,029,502). Although the conflicting claims are not identical there are not patently distinct from each other because the claims are substantially similar to each other. Tzikas et al recites polymeric color particles colored by the dye of Formula (1). Tzikas does not teach Formula (2). However, the dye of Formula (2) is taught by Clement et al (Columns 21, Lines 1-15). Furthermore, both Tzikas and Clement teach plastic compositions wherein thermostable dyes and UV absorbers are used which yield high temperature lightfast dyeing and produce articles which have high color strength and exhibit good all-round properties (Clement, Column 1, lines 22-25 and Tzikas et al, Column 1, Lines 10-21). It would have been obvious to one of ordinary skill in the art at the time of invention to combine two dyes which have similar properties, in this case high color strength and are used to color plastic to obtain a another plastic composition which has high color strength and exhibits good all-round properties. "It is prima facie obvious to combine two compositions each of which is taught by the prior art to be useful for the same purpose, in order to form a third composition to be used for the very same purpose.... [T]he idea of combining them flows logically from their having been individually taught in the prior art." In re Kerkhoven, 626 F.2d 846, 850, 205 USPQ 1069, 1072 (CCPA 1980) (citations omitted) (Claims to a process of preparing a spray-dried detergent by mixing together two conventional spray-dried detergents were held to be prima facie obvious.). See also In re Crockett, 279 F.2d 274, 126 USPQ 186 (CCPA 1960) (Claims directed to a method and material for treating cast iron using a mixture comprising calcium carbide and magnesium oxide were held unpatentable over prior art disclosures that the aforementioned components individually promote the formation of a nodular

structure in cast iron.); and Ex parte Quadranti, 25 USPQ2d 1071 (Bd. Pat. App. & Inter. 1992) (mixture of two known herbicides held prima facie obvious).

Information Disclosure Statement

3. The information disclosure statement filed 05/06 /2005 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because copies of the non-patent literature cited in the IDS have not been provided. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

Claim Objections

4. Claim 3 is objected to because of the following informalities:

a. Claim 3, line 1 recites "A method according to either claim1" which appears to be a typographical error of "A method according to claim 1". Appropriate correction is required.

5. Claim 22 is objected to because of the following informalities: claim 22, recites "a container according to claim 22" which appears to be a typographical error of "a container according to claim 21". Appropriate correction is required.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1, 3, 9, 12-17, and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tzikas (WO 2002/072707) in view of Clement et al (WO 2002/059215).

Regarding claim 1, Tzikas teaches a method of producing coloured plastics or polymeric colour particles, or which method comprises the steps of admixinq with a plastic or polymeric particles a dye of formula (1) (Page 4, Formula 1 of instant application is substantially similar to Formula 10 of reference) together with a UV absorber and optionally further dyes and processing the resulting mixture to obtain the coloured plastic's or polymeric particle's final form (Page 7). Tzikas teaches a method for dyeing semi-synthetic or synthetic hydrophobic fiber materials

comprising an azo dye which are thermostable and exhibit good all-round fastness properties (Page 1, Paragraph 2, Lines 1-3).

Tzikas does not teach a method comprising the step of mixing a dye of Formula (2). However, Clement et al teaches a method comprising an azo dye of formula (2) with a plastic or polymeric particles (Page 3, Formula (2) of instant application is substantially similar to Formula (3) of reference). Furthermore, Clement et a teaches an analogous process wherein a thermostable dye is used which yield high-temperature lightfast dyeing and has high color strength and exhibits good all-round properties (Page 1, Paragraph 3, Lines 1-3).

Both Tzikas et al and Clement et al teach process wherein a thermostable dye is used which yields high temperature lightfast dyeing and produces articles which have high color strength and exhibit good all-round properties.

From these findings, a combination of known additives for their well-known function or property would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made. The motivation to make the combination stems from the express disclosure in each of the references to combine each azo dye with polymeric particles.

Furthermore, "It is prima facie obvious to combine two compositions each of which is taught by the prior art to be useful for the same purpose, in order to form a third composition to be used for the very same purpose.... [T]he idea of combining them flows logically from their having been individually taught in the prior art." In re Kerkhoven, 626 F.2d 846, 850, 205 USPQ 1069, 1072 (CCPA 1980) (citations omitted) (Claims to a process of preparing a spray-dried detergent by mixing together two conventional spray-dried detergents were held to be prima facie obvious.). See also In re Crockett, 279 F.2d 274, 126 USPQ 186 (CCPA 1960) (Claims directed to a method and material for treating cast iron using a mixture comprising calcium

carbide and magnesium oxide were held unpatentable over prior art disclosures that the aforementioned components individually promote the formation of a nodular structure in cast iron.); and Ex parte Quadranti, 25 USPQ2d 1071 (Bd. Pat. App. & Inter. 1992) (mixture of two known herbicides held prima facie obvious).

Regarding claim 3, modified Tzikas teaches all the claim limitations as set forth above. Additionally, Tzikas teaches a method in which the UV absorber is selected from the .group consisting of 2-(2'- hydroxyphenyl)benzotriazoles, the-2-hydroxybenzophenones, esters of substituted or unsubstituted benzoic acid, the acrylates, the oxamides, 2-(2-hydroxyphenyl)-1,3,5-triazines, the monobenzoates of resorcinol, the formamidines, (Page 8, Paragraph 4, Lines 1 -4) and polyester UV absorbers of Formula (7) (Page 9, Formula (7) of instant application if substantially similar to Formula (60) of the reference).having a specific weight of from 1200 to 1400, at 25°C (Page 9, Line 1)

Regarding claim 9, modified Tzikas teaches all the claim limitations as set forth above. Additionally, Tzikas et al teaches plastics or polymeric particles coloured by a combination according to claim 1 (Page 7, Paragraph 5, Lines 1-2).

Regarding claim 12, modified Tzikas teaches all the claim limitations as set forth above. Additionally, Tzikas et al teaches a method , wherein the coloured plastics or polymeric particles material obtains its final form as a result of calendering, compression moulding, extrusion, coating, spinning, pouring or injection moulding (Page 7, Paragraph 6, Lines 5-6 and Page 8, Line 1)

Regarding claim 13, modified Tzikas teaches all the claim limitations as set forth above. Additionally, Tzikas teaches a method wherein the admixing of the plastics or polymeric particles, the dyes of Formulae (1) and (2) and a UV absorber is achieved by using a roll mill or mixing or grinding apparatus (Page 7, Paragraph 6, Lines 1-3),

Regarding claim 14, modified Tzikas teaches all the claim limitations as set forth above. Additionally, Tzikas teaches a method wherein the admixture of the dyes and the UV absorber is effected immediately prior to the processing step by feeding a dye, a UV absorber and granulated or pulverulent plastic or polymeric particles and, optionally additional ingredients, directly into the intake zone of an extruder wherein mixing occurs just before processing(Page 8, Paragraph 1, Lines 3 – 9).

Regarding claims 15 and 19, modified Tzikas teaches all the claim limitations as set forth above. Additionally, Tzikas et al teaches a method wherein the plastic or polymer has a dielectric constant ≥ 2.5 (Page 11, Paragraph 2, Line 4).

Regarding claims 16 and 20, modified Tzikas teaches all the claim limitations as set forth above. Additionally, Tzikas teaches a method wherein the plastic or polymer is selected from the group consisting of polyesters, polycarbonates (PC), polystyrene (PS), polymethyl methacrylate (PMMA), polyamides, polyethylenes, polypropylenes, styrene/acrylonitrile (SAN) and acrylonitrile/butadiene/styrene (ABS) (Page 11 Paragraph 2, Lines 4-7).

Regarding claim 17, modified Tzikas teaches all the claim limitations as set forth above. Additionally, Tzikas teaches a method wherein the plastic or polymer is selected from the group consisting of linear aromatic polyesters obtained by polycondensation of terephthalic acid and glycols or 1,4-bis(hydroxymethyl)cyclohexane, polycarbonates, polymers based on polyvinyl chloride and polyamides (Page 8, Paragraph 4, Lines 1-3).

Regarding claim 25, Tzikas teaches a method of colouring beer bottle of polyethylene terephthalate or polyethylene naphthalate (Page 11 PEN and PET) that have already been produced by spraying on or applying dyes of Formula (1) (Page 4, Formula 1 of instant application is substatinally similar to Formula (10) disclosed in the reference) and a UV absorber (Page 8, Paragraph 4). Furthermore, Tzikas teaches a method for dyeing semi-synthetic or synthetic hydrophobic fiber materials comprising an azo dye which are thermostable and exhibit good all-round fastness properties (Page 1, Paragraph 2, Lines 1-3).

However, the reference does not teach a method colouring beer bottle by applying Formula (2). Clement et al teaches a method for coloring plastic articles by applying the dye of Formula (2) (Page 3, Formula (2) is substantially similar to Formula (3) disclosed in the reference) or a mixture comprising those dyes. Furthermore, Clement et a teaches an analogous process wherein a thermostable dye is used which yield high-temperature lightfast dyeing and has high color strength and exhibits good all-round properties (Page 1, Paragraph 3, Lines 1-3).

Both Tzikas et al and Clement et al teach process wherein a thermostable dye is used which yields high temperature lightfast dyeing and produces articles which have high color strength and exhibit good all-round properties.

From these findings, a combination of known additives for their well-known function or property would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made. The motivation to make the combination stems from the express disclosure in each of the references to combine each azo dye with polymeric particles.

Furthermore, "It is prima facie obvious to combine two compositions each of which is taught by the prior art to be useful for the same purpose, in order to form a third composition to be used for the very same purpose.... [T]he idea of combining them flows logically from their having been individually taught in the prior art." In re Kerkhoven, 626 F.2d 846, 850, 205 USPQ 1069, 1072 (CCPA 1980) (citations omitted) (Claims to a process of preparing a spray-dried detergent by mixing together two conventional spray-dried detergents were held to be prima facie obvious.). See also In re Crockett, 279 F.2d 274, 126 USPQ 186 (CCPA 1960) (Claims directed to a method and material for treating cast iron using a mixture comprising calcium carbide and magnesium oxide were held unpatentable over prior art disclosures that the aforementioned components individually promote the formation of a nodular structure in cast iron.); and Ex parte Quadranti, 25 USPQ2d 1071 (Bd. Pat. App. & Inter. 1992) (mixture of two known herbicides held prima facie obvious).

8. Claims 2, 10-11, and 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tzikas (WO 2002/072707) in view of Clement et al (WO 2002/059215) as applied to claims 1, 3, 9, 12-17, and 19-20 above, and further in view of Christensen et al (WO 2003/033584).

Regarding claim 2, modified Tzikas teaches all the claim limitations as set forth above. The reference does not teach a method in which, in addition to the dyes of formulae (1) and (2), a dye of formula (6) is also admixed. However, Christensen et al teaches a method comprising a

dye of formula (6) (Christensen et al, Page 7, Formula (6) of instant application is substantially similar to Formula (11) of reference). Furthermore, Christenson teaches an analogous method which comprises the process admixing plastic of polymeric particles to one or more dyes and a UV absorber (Page 1, Paragraph 2 Lines 2-3 and Page 3, Paragraph 2, Lines 1-4) . The dyes taught by Christensen et al have good all-round fastness properties, such as high temperature light fastness (Christensen et al, Page 1, Paragraph 2, Lines 1-6).

Both modified Tzikas and Christensen et al teach a process wherein a thermostable dye is used which yields high temperature lightfast dyeing and produces articles which have high color strength and exhibit good all-round properties.

From these findings, a combination of known additives for their well-known function or property would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made. The motivation to make the combination stems from the express disclosure in each of the references to combine each azo dye with polymeric particles.

Furthermore, "It is prima facie obvious to combine two compositions each of which is taught by the prior art to be useful for the same purpose, in order to form a third composition to be used for the very same purpose.... [T]he idea of combining them flows logically from their having been individually taught in the prior art." In re Kerkhoven, 626 F.2d 846, 850, 205 USPQ 1069, 1072 (CCPA 1980) (citations omitted) (Claims to a process of preparing a spray-dried detergent by mixing together two conventional spray-dried detergents were held to be prima facie obvious.). See also In re Crockett, 279 F.2d 274, 126 USPQ 186 (CCPA 1960) (Claims directed to a method and material for treating cast iron using a mixture comprising calcium carbide and magnesium oxide were held unpatentable over prior art disclosures that the aforementioned components individually promote the formation of a nodular structure in cast

iron.); and Ex parte Quadranti, 25 USPQ2d 1071 (Bd. Pat. App. & Inter. 1992) (mixture of two known herbicides held prima facie obvious).

Regarding claim 10, modified Tzikas teaches all the claim limitations as set forth above. Tzikas teaches a colored thermoplastic composition which can be used as containers for solid of liquid substances such as bottles (Page 11, Paragraph 2, Lines 1-3). However, the reference does not teach beer bottles of polyethylene terephthalate (PET) coloured using a combination according to claim 1. Christensen teaches beer bottles of polyethylene terephthalate (PET) coloured using a combination according to claim 1 (Page 8, Paragraph 3, Line 4 and Page 8 Paragraph 2, Lines 1-3). Christensen teaches, an equivalent composition which has good high temperature light fastness comprising a polymer, a organic dye, and UV absorbers.

It would have been obvious to one of ordinary skill in the art at the time the invention was made with reasonable expectation of success of using the thermoplastic composition of modified Tzikas for beer bottles as taught by Christensen et al because modified Tzikas teaches a thermoplastic composition which can be used as containers for storing liquid or solid substances and Christensen et al teaches an analogous thermoplastic composition which can be used as a container for storing beer.

Regarding claim 11, modified Tzikas teaches all the claim limitations as set forth above.

Furthermore modified Tzikas teaches a colored thermoplastic composition which can be used as containers for solid of liquid substances such as bottles (Tzikas, Page 11, Paragraph 2, Lines 1-3). However, the reference does not teach beer bottles of polyethylene naphthalate (PEN) coloured using a combination according to claim 1. Christensen et al teaches beer bottles

of polyethylene naphthalate (PEN) coloured using a combination according to claim 1. (Page 8, Paragraph 3, Line 4 and Page 8 Paragraph 2, Lines 1-3). Furthermore, Christensen et al teaches, an equivalent composition to modified Tzikas wherein the composition has good high temperature light fastness comprising a polymer, a organic dye, and UV absorbers.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made with reasonable expectation of success of using the thermoplastic composition of modified Tzikas for beer bottles as taught by Christensen et al because modified Tzikas teaches a thermoplastic composition which can be used as containers for storing liquid or solid substances and Christensen et al teaches an analogous thermoplastic composition which can be used as a container for storing beer.

Regarding claim 18, modified Tzikas teaches all the claim limitations as set forth above. Additionally, Tzikas teaches plastics or polymeric particles coloured by a combination according to claim 2.(Page 1, Paragraph 1, Lines 1-2).

Regarding claim 21, modified Tzikas teaches all the claim limitations as set forth above. Additionally, Tzikas teaches a container for solid or liquid substances prepared from the coloured plastic or polymeric coloured particle (Page 11, Paragraph 2, Line 2).

Regarding claim 22, modified Tzikas teaches all the claim limitations as set forth above.

Furthermore, Tzikas teaches a colored thermoplastic composition which can be used as containers for solid of liquid substances such as bottles (Page 11, Paragraph 2, Lines 1-3). However, modified Tzikas does not a container which is a container for drinks. Christensen

teaches a container which is a container for drinks (Christensen Page 8, Paragraph 2 container for drinks - containers especially for bottled beer). Furthermore, Christensen teaches, an equivalent composition to modified Tzikas, wherein the composition has good high temperature light fastness comprising a polymer, a organic dye, and UV absorbers.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made with reasonable expectation of success of using the thermoplastic composition of modified Tzikas for beer bottles as taught by Christensen et al because modified Tzikas teaches a thermoplastic composition which can be used as containers for storing liquid or solid substances and Christensen et al teaches an analogous thermoplastic composition which can be used as a container for storing beer.

From these findings, a combination of known additives for their well-known function or property would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made. The motivation to make the combination stems from the express disclosure in each of the references to combine each azo dye with polymeric particles.

Furthermore, "It is prima facie obvious to combine two compositions each of which is taught by the prior art to be useful for the same purpose, in order to form a third composition to be used for the very same purpose.... [T]he idea of combining them flows logically from their having been individually taught in the prior art." In re Kerkhoven, 626 F.2d 846, 850, 205 USPQ 1069, 1072 (CCPA 1980) (citations omitted) (Claims to a process of preparing a spray-dried detergent by mixing together two conventional spray-dried detergents were held to be prima facie obvious.). See also In re Crockett, 279 F.2d 274, 126 USPQ 186 (CCPA 1960) (Claims directed to a method and material for treating cast iron using a mixture comprising calcium carbide and magnesium oxide were held unpatentable over prior art disclosures that the

aforementioned components individually promote the formation of a nodular structure in cast iron.); and Ex parte Quadranti, 25 USPQ2d 1071 (Bd. Pat. App. & Inter. 1992) (mixture of two known herbicides held prima facie obvious).

Regarding claim 23 modified Tzikas teaches all the claim limitations as set forth above. Tzikas teaches a colored thermoplastic composition which can be used as containers for solid of liquid substances such as bottles (Page 11, Paragraph 2, Lines 1-3). However, the reference does not teach beer bottle of polyethylene terephthalate coloured using a combination according to claim 2. Christensen teaches beer bottles of polyethylene terephthalate coloured using a combination according to claim 2 (Page 8, Paragraph 2, beer bottles - containers especially for bottled beer and Page 8, PET).

Christensen teaches, an equivalent composition which has good high temperature light fastness comprising a polymer, a organic dye, and UV absorbers. Furthermore, the reference teaches that the plastic containers can be used for beer (Page 8, Paragraph 2, Lines 1-3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made with reasonable expectation of success of using the thermoplastic composition of modified Tzikas for beer bottles as taught by Christensen et al because modified Tzikas teaches a thermoplastic composition which can be used as containers for storing liquid or solid substances and Christensen et al teaches an analogous thermoplastic composition which can be used as a container for storing beer.

Regarding claim 24, modified Tzikas teaches all the claim limitations as set forth above. Modified Tzikas teaches a colored thermoplastic composition which can be used as containers

for solid of liquid substances such as bottles (Page 11, Paragraph 2, Lines 1-3). However, the reference does not teach beer bottle of polyethylene naphthalate coloured using a combination according to claim 2. Christensen et al teaches beer bottles of polyethylene naphthalate coloured using a combination according to claim 2 (Page 8, Paragraph 2 beet bottles - containers especially for bottled beer, Page 8, PEN)

Christensen teaches, an equivalent composition which has good high temperature light fastness comprising a polymer, a organic dye, and UV absorbers. Furthermore, the reference teaches that the plastic containers can be used for beer (Page 8, Paragraph 2, Lines 1-3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made with reasonable expectation of success of using the thermoplastic composition of modified Tzikas for beer bottles as taught by Christensen et al because modified Tzikas teaches a thermoplastic composition which can be used as containers for storing liquid or solid substances and Christensen et al teaches an analogous thermoplastic composition which can be used as a container for storing beer.

Conclusion

1. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALEXANDER C. KOLLIAS whose telephone number is (571)270-3869. The examiner can normally be reached on Monday-Thursday, 7:30 AM-5:00 PM EST, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Basia Ridley can be reached on (571)-272-1453. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gwendolyn Blackwell/
Primary Examiner, Art Unit 1794

/A. C. K./
Examiner, Art Unit 4145